IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12020 of 2005

Between:

K.S.Sai Kishore, S/o.K.Venkateswarlu,
A.P.T.W.Residential School, Lal Tekdi, at Utnoor, Adilabad Dist.

..... PETITIONER

AND

1 The Secretary, A.P.Tribunal Welfare Residential Educational Institutions Society, Gurukulam Telugu Sankshema Bhavan, Masabtank, Hyderabad.

2 R.Prabhakar Rao, Junior Lecturer,
A.P.Tribal Welfare Residential College, Seethampet,

Srikakulam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass orders, particularly one in the nature of writ of Mandamus, declaring the action of the 1st respondent's society in not promoting the petitioner on par with the 2nd respondent who is junior as arbitrary, illegal, discriminatory and violative of Articles 14, 16 and 21 of the Constitution of India, and consequently direct the 1st respondent to give notional service to the petitioner as post Graduate Teacher with effect from 10-10-2002 and also promote the petitioner as Junior Lecturer with effect from 8-11-2004, and grant such other relief as this Hon'ble High Court may deem fit and proper.

Counsel for the Petitioner : MR.KASAJAGANMOHAN REDDY

Counsel for the Respondent No.1: MR.CHANDRAIAH SUNKARA

The Court made the following ORDER:

ORDER:

This writ petition is filed by the petitioner seeking writ of mandamus declaring the action of the 1st respondent in not promoting the petitioner on par with the 2nd respondent, who is junior to the petitioner as arbitrary, illegal and discriminatory and violative of the provisions of the Constitution of India, and consequently sought for a direction to give notional seniority to the petitioner and also promote the petitioner as junior lecturer with effect from 08.11.2004.

2. According to the petitioner, he was recruited as a trained graduate teacher in the 1st respondent society. It is also stated that the petitioner's services were regularized along with the 2nd respondent. Though the 2nd respondent was promoted as post-graduate teacher in the year 2002, but the petitioner was not considered on the premise that there were certain allegations and disciplinary proceedings were contemplated. It is further stated that subsequently, the disciplinary proceedings were closed and the petitioner was promoted as post-graduate teacher on 23.03.2005. It is the further grievance of the petitioner that by virtue of his seniority as he was at Sl.No.140 as against the 2nd respondent, who stood at Sl.No.143, he is entitled to get the benefit of retrospective promotion on par with the 2nd respondent. Therefore, he is entitled to be considered for promotion as Junior Lecturer on par with the 2nd respondent. It is also stated that there are fourteen vacancies in the 1st respondent society and the petitioner is the only qualified candidate for being appointed as Junior Lecturer in Commerce. Therefore, the learned counsel for the petitioner sought for a direction.

3. Heard the learned counsel and considered the material on record.

4. In view of the representation made on behalf of the petitioner that the petitioner is fully eligible for being promoted as Junior Lecturer, having all the requisite qualifications, the 1st respondent society is directed to consider the case of the petitioner in accordance with the Rules and if he is eligible, and if there are no other senior members above him, who are also eligible, the petitioner may be consider if found suitable to be promoted as Junior Lecturer and the 1st respondent is further directed to consider and pass appropriate orders expeditiously, preferably within six

weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. No costs.

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S.Ananda Reddy, J.

Dt. 23.6.2005

Note: Issue CC in

Two days. (bo)

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To

1. The Secretary, A.P.Tribunal Welfare Residential Educational Institutions Society, Gurukulam Telugu Sankshema Bhavan, Masabtank, Hyderabad.

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